

REMARKS

Claims 1-16 are pending in the application. Claims 1-16 are rejected. Claims 1-3, 6, 7 and 13 have been amended. New claims 17-21 have been added. Applicant requests reconsideration and allowance of claims 1-21.

Claim Objections

Claim 1 is objected to because it contains the language "capable of".

Claims 1-3 and 6 have been amended to correct improper claim language, as requested by the Examiner.

Claim Rejections – 35 U.S.C. § 102

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Radian (U.S. Patent Publication 2002/0176403).

Applicants wish to "swear behind" the Radian reference. Although the March 20, 2001 effective filing date for 102(e) purposes of Radian predates the effective filing date of the present application (present application filed July 31, 2001), Applicants conceived of the invention prior to the March 20, 2001 effective filing date of Radian and then were diligent in reducing the concept to practice up until the time the patent application was filed on July 31, 2001. Attached is a Section 131 Declaration signed by the inventor of the present application that attests to prior conception of the present invention as well as an invention disclosure.

Claim 1 has been amended. One of ordinary skill in the art knows that an access network device does not perform call switching. See the abstract of the present specification. Also, see page 2 of the present specification, line 1, page 8, lines 22-25 and page 9, lines 1-4. Even if Radian were prior art (which it is not), Radian does not teach each and every element of claim 1. Radian fails to teach at least the element of an access network device.

It was alleged that element 405 of Fig. 4 is an access network device. Element 405 is not an access network device because it is a PSTN switch 405 that performs call switching. See figure 4. As a result the CO-IFC 450 must use a service provider that owns the PSTN switch 405. See the present specification page 5, lines 6-12.

In contrast, claim 1 teaches the element of a packet voice gateway comprising at least one voice data port configured to connect to and communicate with an access network device that is not a PSTN switch and that does not perform call switching. Thus, claim 1 should be allowed. Claims 2-6 are dependant and should also be allowed.

Claim 7 should be allowed for at least similar reasons as claim 1. Radian is not prior art and does not teach an access network device. Claims 8-12 are dependant and should also be allowed. Claim 13 has been amended. See the abstract of the present specification. Claim 13 should be allowed for at least similar reasons as claim 1. Claim 14 should be allowed for at least similar reasons as claim 1. Claims 15-16 are dependant and should also be allowed.

New Claims

New claims 17-20 have been added.

New claim 21 has been added. Support for claim 21 can be found in the present specification, page 11, lines 22-25.

Laxman, Thune and Carew Are Not Prior Art

Laxman (2003/0091032) was cited (but not relied upon) in an October 3, 2005 Office Action. Laxman is not prior art because its September 28, 2001 filing date for §102(e) purposes does not predate the effective filing date of the present application (present application filed July 31, 2001).

Thune (2003/0007495) is not prior art. Although the July 17, 2001 effective filing date for §102(e) purposes of Thune predates the effective filing date of the present application (present application filed July 31, 2001), Applicants conceived of the invention prior to the July 9, 2001 effective filing date of Thune and then were diligent in reducing the concept to practice up until the time the patent application was filed on July 31, 2001. See the attached Section 131 Declaration.

Carew (6,879,667) is not prior art. Although the May 7, 2001 effective filing date for §102(e) purposes of Carew predates the effective filing date of the present application (present application filed July 31, 2001), Applicants conceived of the invention prior to the May 7, 2001 effective filing date of Carew and then were diligent in reducing the concept to practice up until the time the patent application was filed on July 31, 2001. See the attached Section 131 Declaration.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-21 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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